

Remarks

In the Office Action dated July 25, 2005, claims 1-15, 17 and 19, in the above-identified U.S. patent application were rejected. Reconsideration of the rejections is respectfully requested in view of the above amendments and the following remarks. Claims 2-13, 16 and 18-19 remain in this application, claims 1, 14, 15 and 17 have been canceled and new claims 20-23 added to the application.

Applicants thank the examiner for the telephone interview of October 11, 2005. The enablement and written description rejections were discussed and the claims have been amended as suggested at the interview.

Claims 1-15, 17 and 19 were rejected under 35 USC §112, first paragraph as lacking enablement. Claims 1-8, 12, 13 have been amended to depend from claim 16 which was previously indicated as allowable. Claims 14, 15 and 17 have been canceled and claims 9-11 and 16 have been amended to indicate that the BMP antagonist has antagonistic activity against at least one BMP protein selected from the group consisting of MP52, BMP-2, BMP-4 and BMP-7. In view of these amendments applicants request that this rejection be withdrawn.

Claims 1-15, 17 and 19 were rejected under 35 USC §112, first paragraph, as failing to comply with the written description requirement. As discussed above, claims 1-8, 12, and 13 have been amended to depend from claim 16 which was previously indicated as allowable. Claims 14, 15 and 17 have been canceled and claims 9-11 and 16 have been amended to indicate that the BMP antagonist has antagonistic activity against at least one BMP protein

selected from the group consisting of MP52, BMP-2, BMP-4 and BMP-7. In view of these amendments applicants request that this rejection be withdrawn.


Claims 12-15 were rejected under 35 USC §112, first paragraph, as lacking enablement for the therapy or prevention of the recited conditions. Claims 14 and 15 have been canceled and claims 12 and 13 amended to more clearly be directed to a therapeutic agent containing a BMP antagonist according to claim 16. In addition, new claims 20-23 are directed to a method for antagonizing MP52, BMP-2, BMP-4 and BMP-7 as suggested during the telephone interview. In view of these amendments applicants request that this rejection be withdrawn.

Claims 12-15 were rejected under 35 USC §112, second paragraph, as indefinite due to the term "related". Claims 14 and 15 have been canceled and claims 12-13 amended to delete this language. In view of these amendments applicants request that this rejection be withdrawn.

Applicants respectfully submit that all of claims 2-13, 16 and 18-23 are now in condition for allowance. If it is believed that the application is not in condition for allowance, it is respectfully requested that the undersigned attorney be contacted at the telephone number below.

In the event this paper is not considered to be timely filed, the Applicant respectfully petitions for an appropriate extension of time. Any fee for such an extension together with any additional fees that may be due with respect to this paper, may be charged to Counsel's Deposit Account No. 02-2135.

Respectfully submitted,

By 

Monica Chin Kitts
Attorney for Applicants
Registration No. 36,105
ROTHWELL, FIGG, ERNST & MANBECK, p.c.
Suite 800, 1425 K Street, N.W.
Washington, D.C. 20005
Telephone: (202)783-6040